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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENNETT, et al.,

Plaintiffs,

-against-

HORN, et al.,

Defendants.

07 Civ. 2823 (RPP)

ORDER AND FINAL JUDGMENT

RPP On the 7th day of May, 2009, a hearing having been held before this Court to determine: (1) whether the terms and conditions of the Stipulation of Settlement dated January 30, 2009 ("Stipulation") are fair, reasonable, and adequate for the settlement of all claims[1] asserted by the Class against the Defendants in the Complaint[2] now pending in this Court under the above caption, including the releases of the Defendants as provided in the Stipulation, and should be approved; and (2) whether judgment should be entered dismissing the class claims for injunctive relief set forth in the Complaint on the merits and with prejudice. The Court having considered all matters submitted to it at the hearing and otherwise; and it appearing that the Settlement Notice substantially in the form approved by the Court was posted at Rikers Island for the requisite period preceding the hearing in this matter;

NOW, SOLELY FOR THE PURPOSES OF THE SETTLEMENT, THE COURT FINDS THAT:

[1] The individual damage claims asserted by the named plaintiff's will be resolved separately; the plaintiffs have sought only injunctive relief on behalf of the class and have not sought any damages on behalf of the class. The "Settled Claims" as set forth in the Stipulation are all claims for injunctive relief that were or could have been asserted by the Class, see § I.g of the Stipulation.

[2] All capitalized terms used herein having the meanings set forth and defined in the Stipulation.

A. The Court has jurisdiction over the subject matter of the Class Action, the Named Plaintiffs, Class Representatives, all Class Members, and the Defendants.

B. Notice of the proposed settlement of this Class Action was given to class members by posting notice as set forth in the Stipulation and Order for Notice to the Class, dated January 30, 2009. The form and method of notifying the class of the proposed settlement of the action as a class action and of the terms and conditions of the proposed settlement met the requirements of Rule 23 of the Federal Rules of Civil Procedure, due process, and any other applicable law, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

C. In entering into the Stipulation, no party has relied on any representations or arguments by any other Party regarding any substantive or procedural issue in the Action.

D. The parties and their counsel have complied with the requirements of the Federal Rules of Civil Procedure and all other statutes and rules relating to the prosecution, defense, and settlement of the Action as to all proceedings herein.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The settlement set forth in the Stipulation is approved as fair, reasonable and adequate, and the Class Members and the parties are directed to consummate the settlement in accordance with the terms and provisions of the Stipulation.

2. This Action, which the Court finds was filed on a good faith basis in accordance with Rule 11 of the Federal Rules of Civil Procedure based upon all publicly available information, is hereby dismissed with prejudice and without costs, except as provided in the Stipulation, as against the Defendants.

3. Class Members and the successors and assigns of any of them, are hereby barred and enjoined from instituting, commencing or prosecuting the Settled Claims against the Defendants. The Settled Claims are hereby compromised, settled, released, discharged and dismissed as against the Defendants on the merits and with prejudice by virtue of the proceedings herein and this Order and Final Judgment.

4. The terms and conditions of the Stipulation are approved as fair and reasonable, and Defendants are ordered to comply with the terms and conditions of the Stipulation as set forth in the Stipulation.

5. The terms and conditions of the Stipulation are enforceable as the order and judgment of this Court as set forth in the Stipulation.

6. As set forth in the Stipulation, Plaintiffs have waived all claims for attorneys' fees up through the date of this Order of Final Judgment.

7. The administration and consummation of the Settlement as embodied in this Stipulation shall be under the authority of the Court and the Court shall retain jurisdiction for the purpose of entering orders providing for awards of attorneys' fees and expenses to Plaintiffs' Counsel and enforcing the terms of this Stipulation as set forth in the Stipulation. The Parties consent to the jurisdiction of the United States District Court for the Southern District of New York to adjudicate any dispute or controversy between the Parties concerning the terms and conditions of the Stipulation. The Stipulation and the Court's jurisdiction over it shall automatically terminate for all purposes no later than two years after the date that this Order and Final Judgment is ordered, unless, as set forth in ¶ 22 of the Stipulation, prior to the expiration of that two-year period, upon motion of any party or intervener the Court makes written findings based on the record that prospective relief remains necessary to correct a current and ongoing

violation of a Federal right; and subject to the payment of attorneys' fees according to ¶ 25 of the Stipulation.

8. In the event that this Order and Judgment is reversed on appeal, (i) this Order and Final Judgment shall be rendered null and void and shall be vacated *nunc pro tunc* and (ii) the Action shall proceed as set forth in the Stipulation.

9. Without further order of the Court, the Parties may agree to reasonable extensions of time to carry out any of the provisions of the Stipulation.

10. There is no just reason for delay in the entry of this Order and Final Judgment and immediate entry by the Clerk of the Court is expressly directed pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Dated: New York, New York

May 7, 2009

Robert P. Patterson

Honorable Robert P. Patterson
UNITED STATES DISTRICT JUDGE